

**BOARD OF PHYSICAL THERAPY
MINUTES**

DATE: February 8, 2019

TIME: 9:00 a.m. C.D.T

LOCATION: 665 Mainstream Drive
Iris Conference Room, 1st Floor
Nashville, TN 37243

MEMBERS PRESENT: David Harris, PTA, Chair
LeAnn Childress, PT
Ronald Barredo, PT
Kelly O'Connor, Consumer
David Finch, DPT, Secretary

STAFF PRESENT: Michael Sobowale, Unit Director
Mary Webb, Unit Manager
Haley Engle, Board Administrator
Lara Gill, Assistant General Counsel
Lori Leonard, Office of Investigations
Noranda French, Finance Officer

Guests: Nicholas Batson
Robert Allen
Donald Penny
Lynn Ruch
Alan Meade, Tennessee Physical Therapy Association
Cathy Hinton, Tennessee Physical Therapy Association

I. Call to Order

A roll call of board members and administrative staff present was taken. With a quorum present, Mr. Harris called the meeting to order at 9:00 a.m. Central Time.

II. Election of Officers

A motion was made by Mr. Finch, seconded by Ms. O'Connor, to reappoint Mr. Harris as the Board Chair. The motion carried.

A motion was made Ms. Childress, seconded by Ms. O'Connor to reappoint Mr. Finch as the Board Secretary. The motion carried.

III. Approval of Minutes

After review, a motion was made by Ms. O'Connor, seconded by Ms. Childress, to approve the November 16, 2018 board meeting minutes as written. The motion carried.

IV. Report from Office of General Counsel

Lara Gill, board advisory attorney, presented the report from the Office of General Counsel as follows:

Conflict of Interest

Ms. Gill reminded board members of the Board's conflict of interest policy. If a member has any personal or financial interest which might appear to be a conflict of interest, whether it relates to a contested case, a rulemaking issue, or any other Board decision, that fact should be shared with the Board so that a decision may be made regarding the need for recusal.

Rules

The PT Rules Task Force has completed its review to the rules. The current redline and other revisions made to rules were provided in paper form for the Board to review. The final redlines and revisions are expected to be complete prior to the next Board Meeting and no official action can be taken until they are finalized. There is a moratorium for certain rulemaking procedures that have been set by the new Governor that is expected to end soon.

Litigation

There is one Agreed Order to be presented to the Board at the meeting.

Appeals

There are no pending appeals from Board disciplinary action.

Civil Suits

None

Pending Complaints

As of January 18, 2019, OGC has four (4) open cases pertaining to the Board of Physical Therapy. One (1) of these cases is against a physical therapist. The remaining open cases are against physical therapist assistants.

Legislation

OGC has secured certain attorney general opinions and case law from Kentucky involving PTs for the Board's review and discussion, if any.

Recognition

Tennessee was recognized at the Federation of State Boards of Physical Therapy Annual Meeting in Reston, Va. in October 2018 for achieving a five-star rating for participation in the group's Exam Licensure and Disciplinary Database. Information in this database is used to alert other jurisdictions to sanctioned licenses, which protects the public by preventing sanctioned providers from moving across state lines to avoid the effects of disciplinary action. A jurisdiction's rating is based on its level of participation. In 2014, Tennessee was rated two stars across all categories in the database. Unit Director Michael Sobowale recognized Tennessee's full participation in the database is an important tool for public health protection, and prioritized participation at the administrative level. The joint effort of Sobowale and his team has led to progressive improvement in the state's rating from three stars in 2015 to the achievement of the highest possible overall rating of five stars in 2018. Congratulations to Michael Sobowale, Board of Physical Therapy Administrator Haley Engle and Board Manager Mary Webb.

On January 17, 2019, Gov.-elect Bill Lee announced his Cabinet appointee including a woman who will head up the Department of Health. Lisa Piercey, the executive vice president of West Tennessee Healthcare, a nonprofit organization, will be the commissioner of the Department of Health.

A. Contested Cases

There was no contested case.

B. Consent Order(s)

There was no consent order.

C. Agreed Order(s)

Lori Ann Foulks, PTA - Ms. Gill presented an Agreed Order signed by Lori Ann Foulks PTA #3089. Ms. Foulks failed to comply with "Standards of Ethical Conduct or the Physical Therapist Assistant" by failing to report to work with patients scheduled for in home care. After review, Dr. Barredo made a motion, seconded by Ms. Childress, to approve the Agreed Order as presented. The motion carried.

D. Order of Compliance

Olga Baena PT – Ms. Gill presented a petition for an Order of Compliance on Olga Baena, PT #4333. Ms. Baena is seeking to have her license restored, as she has complied with the board order of the restrictions that were placed on her license. After review, Mr. Finch made a motion, seconded by Dr. Barredo, to approve the Order of Compliance as presented. The motion carried.

E. Request for Order of Modification

There was no request for Order of Modification.

V. Investigative/Disciplinary Reports

Lori Leonard, disciplinary coordinator in the Office of Investigations presented the investigative report. In 2018, the Office of Investigations received twenty six (26) complaints regarding physical therapists. Their office closed twenty three (23) complaints and still has eighteen (18) open complaints remaining, which are in the process of being reviewed. The Office of Investigations also received seven (7) complaints regarding physical therapist assistants in 2018, with ten (10) complaints being closed and six (6) complaints remaining open and under review.

A report on currently monitored disciplined practitioners will be presented at the next meeting.

VI. Report from the Division of Health Licensure and Regulation

Mr. Sobowale informed the Board that there was not an updated financial report to be presented at the meeting.

VII. Applicant Interviews/Reviews

A. Provisional License – Internationally-Trained

1. **Cocel Moraga, PT** – Ms. Moraga was not present. Her file was presented to the board for review. She was requesting a provisional license as a foreign-educated applicant. After review, Mr. Finch made a motion, seconded by Ms. O'Connor, to approve Ms. Moraga for provisional licensure contingent upon completion of the four hundred and eighty (480) supervised hours requirement, to be completed within forty eight (48) weeks with a licensed physical therapist in Tennessee. The motion carried.
2. **Lynn Ruch, PT** – Ms. Ruch was present. Her file was presented to the board for review. She was requesting a full license after completion of her provisional license requirements as a reinstatement applicant. After review, Dr. Barredo made a motion, seconded by Ms. Childress, to grant Ms. Ruch full licensure. The motion carried.

B. Initial Application

1. **Nicholas Batson, PT** – Mr. Batson was present. Mr. Batson’s file was presented to the board for review due to adverse action indicated on his criminal background check and out-of-state discipline on his PT license in the State of Illinois. Mr. Batson was applying for a license by reciprocity. After review and discussion, Mr. Batson requested to withdraw his application. The Board accepted Mr. Batson’s request to withdraw his application.
2. **Robert Allen, PT** – Mr. Allen was present. Mr. Allen appeared before the board to discuss a Driving under the Influence (DUI) conviction on his background check. After review and discussion by the Board, a motion was made by Mr. Finch, seconded by Ms. O’Connor, for Mr. Allen to request a TnPAP evaluation and contingent on the findings and compliance, Mr. Allen may be issued a license. The motion carried.
3. **Donald Penny, PTA** – Mr. Penny was interviewed by request per a telephone interview with the Board regarding his application for physical therapist assistant licensure. His criminal background check revealed a conviction for Driving under the Influence (DUI) in the State of California. After explanation of the incident, Ms. O’Connor made a motion, seconded by Dr. Barredo, to request a TnPAP evaluation and contingent on the findings and compliance, Mr. Penny may be issued a license. The motion carried.

VIII. Tennessee Professional Assistance Program (TnPAP) Report

Mike Harkreader, Executive Director for TnPAP presented a report dated July 1, 2018 to December 31, 2018 to the board as follows: TnPAP is currently monitoring seven individuals-four (4) physical therapists and three (3) physical therapist assistants. Regarding the physical therapists, one (1) is under a Board order while the remaining three (3) are being monitored on a non-regulatory basis. All three (3) physical therapists assistants are under a Board order. There were two (2) referrals during this time period. No monitoring agreements were signed in this time period. Two (2) files were closed, one being a physical therapist and the other being a physical therapist assistant. Both were discharged upon successfully completing the program.

IX. Ratification of Initial Determinations

Ms. Childress made a motion, seconded by Mr. Finch, to approve the following list of PT/PTA initial, reinstatement, and closed applications presented as follows:

2109	CPT	Blackstock Tracy Marie
2109	CPT	Simons William Robert
2109	PT	Alford-Tousley Wendy Jo Mrs
2109	PT	Allen Shane N.
2109	PT	Andrews Emily

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2109	PT	Aussems Amanda Dr.
2109	PT	Borowitz Kelsey
2109	PT	Brown Jeffrey
2109	PT	Ciccarelli Christopher Andrew
2109	PT	Cosenza Jessica
2109	PT	Daniel Jerry W**
2109	PT	De Marree Kristen
2109	PT	Dean Helen
2109	PT	Duarte Philip Masaki Dr
2109	PT	Durbin Karen
2109	PT	Eller Nicholas Dr.
2109	PT	Fabozzi Amanda Dr.
2109	PT	Goldberg Eric Samuel Dr.
2109	PT	Henderson Haley Mccall
2109	PT	Jackson Tammara Lynette
2109	PT	Krueger Kevin P**
2109	PT	Kruse Adam Nicolas Dr.
2109	PT	Levesque Christopher Mr
2109	PT	Long Holly Elizabeth
2109	PT	Mirisch Marc
2109	PT	Naschke Heather
2109	PT	Ohm Sarah
2109	PT	Pawlikowski Lyndsay Comline
2109	PT	Pfitzer Kathleen Elizabeth
2109	PT	Poskanzer Noah Dr.
2109	PT	Pust Kevin
2109	PT	Reilly Kristen Beth
2109	PT	Sain Rachel
2109	PT	Shafer Laura Ann**
2109	PT	Smith Alisa Dawn
2109	PT	Stamey Christopher Jordan
2109	PT	Taft Siona
2109	PT	Vaughn Kristina
2109	PT	Watts Jennifer Grant**
2109	PT	Wettlaufer Rebecca Lynne
2109	PT	Wild Robert Scott
2109	PT	Wood Susan Lupidi

2125	CPTA	Berry Shelly Nicole
2125	CPTA	Huband Melissa Anne

2125	PTA	Amos Danielle
2125	PTA	Barnett Whitney Taylor
2125	PTA	Benda Linda Dianne
2125	PTA	Byrd Tyler
2125	PTA	Harsha Tori
2125	PTA	Harvey Anna Rae
2125	PTA	Hoefling Samantha
2125	PTA	Hoover Kevin Franklin Mr.
2125	PTA	Johnson William Alan
2125	PTA	Lancaster Sarah A**
2125	PTA	Pletcher Gina Marie
2125	PTA	Roberts Jordyn
2125	PTA	Soni Dhvani Satishkumar
2125	PTA	Stevens Heather Lee
2125	PTA	Thomas Aimee Rebecca**
2125	PTA	Vitolo Lyndsie
2125	PTA	Watson Kianna Ms
2109	PT	Butcher Stephen K. **

2109	PT	Ewell Melvin Ben***
2109	PT	Girlinghouse Jacob Ross***
2109	PT	Girlinghouse Kathryn ***
2109	PT	Quinn Anthony James***
2109	PT	Rush Brittany Mikaela***
2125	PTA	Beck William Roy***
2125	PTA	Mason Latraves ***
2125	PTA	Rhodes Sherika ***
2125	PTA	Sigler Joshua

2125 PTA ***
 Williams
 Tia M***

NAMES MARKED WITH TWO ASTERICKS INDICATE REINSTATEMENTS, WHILE NAMES MARKED WITH THREE ATSERICKS INDICATE CLOSED FILES

The motion carried.

X. Administrative Report

Haley Engle presented the following administrator's report:

A. Statistical Report

In total, there are 5,834 active Physical Therapists, 10 Compact Physical Therapists, 3,848 active Physical Therapist Assistants, and 13 Compact Physical Therapist Assistant as of February 6, 2019.

B. Licensing activities total from August 8, 2018 through November 13, 2018:

Physical Therapists

- New Applications Received - 154
- New Licenses Issued— 17
- Reinstated—2
- Retired – 20
- Expired – 34
- Closed – 5
- Renewals—349 (total) as follows:

113-paper
236-online

Physical Therapist Assistants

- New Applications Received - 58
- New Licenses Issued— 8
- Reinstated— 1
- Retired- 11
- Expired -27

- Closed – 5
- Renewals— 251 (total) as follows:

86 -paper
165 -online

Ratification of 2020 Board Meeting dates

A motion was made by Mr. Finch, seconded by Ms. Childress, to approve February 7th, May 8th, August 7th, and November 13th as board meeting dates for calendar year 2020. The motion carried.

XI. Correspondence

- A. Dry Needling Course approval: Rich Banton – Trigger Point Dry Needling- No action was taken. The documentation was shown to the Board for its advisement.
- B. Extension of licensure renewal for Brian Cook, PT #7524 - Mr. Cook submitted a request for an extension to complete his licensure renewal due to his expected deployment out of the country for military duties. After review and discussion by the Board, a motion was made by Dr. Barredo, seconded by Mr. Finch, to grant Mr. Cook a three (3) month extension, and provide proof of his DD 214 form. Also, Mr. Cook would need to be made aware that any continuing education hours cannot carry-over into the next renewal cycle. The motion carried.

XII. Legislative Report

Senate Bill 541 – Ms. Lara Gill informed the Board that SB-541 has not passed yet and that the Board cannot take any adverse action against a therapist who recommends, or markets industrial hemp products.

XIII. Rulemaking Hearings, Rule Amendments and Policies

Ms. Gill explained to the Board that no action would be taken regarding proposed redline rule revisions at this time. The proposed rule amendments will be discussed at the May board meeting.

XIV. Discuss New and Old Board Business

- A. Discussion of Kentucky Case Decision/A.G.'s Opinion on Dry Needling - Lara Gill, advisory attorney reported that the Opinion of the Kentucky Attorney General is that the physician could bill for dry needling services.
- B. North Carolina Acupuncture Licensing Board v. North Carolina Board of Physical Therapy Examiners Case decision on Dry Needling – It was the decision in this case that dry-needling is within the scope of practice in Tennessee.
- C. Update on Physical Therapy (PT) Compact – As of this meeting, the PT compact has nine (9) states that are currently in the compact and issuing PT compact privileges. By the end of the year, there may be a total of thirty-one states once legislation is passed in those remaining states and the Federal Bureau of Investigations (FBI) criminal background check process has been implemented.

D. Upcoming Meetings/Conferences

- FSBPT Annual General Meeting, Oklahoma City, Oklahoma, October 21-26, 2019 - A motion was made by Dr. Barredo, seconded by Ms. O'Connor, to nominate Mr. Harris as the primary delegate, and Ms. Childress as the alternate delegate, and also nominate Mr. Sobowale, and Ms. Lara Gill to attend the conference. The motion carried.
- FSBPT Leadership Issues Forum, Alexandria, Virginia, July 13-14, 2019 – the Leadership Issues Forum is by invitation only, extended to the primary delegate and board administrator who will be attending the Annual General Meeting in the fall.
- FSBPT New Board Member Training, Alexandria, Virginia, August 16-18, 2019 – Dr. Barredo made a motion, seconded by Ms. O'Connor, to approve Mr. Finch, Ms. O'Connor, Lara Gill, Mary Webb, Haley Engle, Michael Sobowale, and Ms. Childress, to attend the new board member training. The motion carried.

Adjournment

There being no further business, Dr. Barredo moved to adjourn the meeting, seconded by Ms. O'Connor. The motion carried. The meeting was adjourned at 12:19 PM Central Time.

David Harris, Board Chair

Date

These Minutes were ratified by the Board at the May 10, 2019 Meeting.

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